

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GORDON HEMPTON,

Plaintiff,

v.

POND5 , INC., a Delaware Corporation;  
and POND5 USER CKENNEDY342, a  
corporation or individual of type unknown,

Defendants.

NO. 3:15-cv-05696-BJR

DECLARATION OF ROGER M.  
TOWNSEND IN SUPPORT OF  
PLAINTIFF'S MOTION TO COMPEL  
DISCOVERY RESPONSES RE:  
POND5 CUSTOMERS WHO  
PURCHASED PLAINTIFF'S  
COPYRIGHTED WORKS

NOTE ON MOTION CALENDAR:  
September 23, 2016

Roger M. Townsend states:

I am an attorney licensed to practice before the courts of the State of Washington. I represent Plaintiff Gordon Hempton. I have personal knowledge of the facts stated herein and am competent to testify to these facts.

1. Attached hereto as **Exhibit 1** is a true and correct copy of the March 22, 2016 and August 16, 2016 deposition of Pond5's 30(b)(6) representative Thomas Crary at pertinent pages.

2. Attached hereto as **Exhibit 2** is a true and correct copy of Plaintiff's First Interrogatories and Requests for Production of Documents.

3. Attached hereto as **Exhibit 3** is a true and correct copy of the Pond5 Content License Agreement.

4. Attached hereto as **Exhibit 4** is a true and correct copy of an email from Mr. Crary to Plaintiff, dated October 16, 2015 (PON 000284-293).

5. Attached hereto as **Exhibit 5** is a true and correct copy of a letter to Pond5 enclosing USB.

6. Attached hereto as **Exhibit 6** is a true and correct copy of an email from Pond5 attaching spreadsheet PON00539, which contains some of the metadata associated with the files ckennedy342 uploaded to Pond5.

7. Attached hereto as **Exhibit 7** is a true and correct copy of HEMP 0001982, a pertinent page from a Quiet Planet licensing agreement.

8. Attached hereto as **Exhibit 8** is a true and correct copy of an email from Nicholas Sherman to Mr. Hempton dated September 7, 2016.

9. Counsel for Plaintiff and Defendant have conferred repeatedly both in writing and telephonically as required by FRCP 26(f), and have not been able to come to resolution.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 8<sup>th</sup> day of September, 2016 in Seattle, Washington.

BRESKIN JOHNSON & TOWNSEND, PLLC

By: s/Roger M. Townsend  
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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 8, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Jamie Telegin  
Jamie Telegin, Legal Assistant